

review or reopening pursuant to paragraphs (b), (c), and (d), of this rule must be filed within 20 days after the service of the action for which review is sought or within any further period (not to exceed 20 days) as a division or the Commission may authorize. If an appeal or petition is not filed within the authorized period, all administrative remedies will have been exhausted, and a party may only seek reopening pursuant to paragraph (h).

(f) *Effectiveness.* (1) If an appeal of an initial decision is not timely filed or the Commission does not stay the effectiveness on its own motion, the order set forth in the action shall become the order of the Commission and shall become effective at the expiration of the time for filing.

(2) Any action of the Commission which is not stayed and any action of a division which is not an initial decision and which is not stayed shall become effective 30 days after it is served, unless the Commission or division provides for the action to become effective at an earlier date.

(g) *Petitions for stay and other relief.*

(1) A party may petition for a stay of an action pending a request for judicial review, for extension of the compliance date, for modification of the effective date, or for similar procedural relief not otherwise covered by these rules, stating the reasons therefor. The petition shall be filed not less than 10 days prior to the effective date of the action. No reply need be filed. If a party elects to file a reply it must reach the Commission no later than 5 days after the petition is filed.

(2) When actions of the Commission are made effective on less than 15 days' notice, petitions for stay shall be filed as close to the service date as practicable but prior to the institution of court action. No reply need be filed. A party may elect to file a reply, time permitting.

(h) *Petitions to reopen administratively final actions.* Any person at any time may petition for leave to file a petition to reopen any administratively final action of the Commission pursuant to the requirements of Paragraphs (d) (2) and (d) (3) of this rule. A petition for leave to file shall state in detail the respects in which the proceeding involves material error, new evidence, or substantially changed circumstances and shall include a request that the Commission make such a determination.

(i) *Exhaustion of remedies and judicial review.* These rules do not relieve the requirement that a party

exhaust its administrative remedies before going to court. Any action appealable as of right must be timely appealed. If an appeal, discretionary appeal, or petition seeking reopening is filed under paragraphs (b), (c) or (d) of this rule, before or after a petition seeking judicial review is filed with the courts, the Commission will act upon the appeal or petition after advising the court of its pendency unless action might interfere with the court's jurisdiction.

Dated: June 22, 1979.

By the Commission. Chairman O'Neal, Vice Chairman Brown, Commissioners Stafford, Gresham, Clapp and Christian. Vice Chairman Brown absent and not participating.

H. G. Homme, Jr.,
Secretary.

[FR Doc. 79-20247 Filed 6-28-79; 8:45 am]
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49 CFR Part 1033

[Decision, Revised Service Order No. 1369-A]

Substitution of Trailers for Boxcars

Decided: June 25, 1979.

Service Date: June 26, 1979.

AGENCY: Interstate Commerce Commission.

ACTION: Revised Service Order No. 1369-A.

SUMMARY: Since an emergency no longer exists, Revised Service Order No. 1369 is vacated effective 11:59 p.m., June 25, 1979.

EFFECTIVE DATE: June 25, 1979.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter, (202) 275-7840.

Upon further consideration of Revised Service Order No. 1369 (44 FR 23854), and good cause appearing therefore:

It is ordered that: § 1033.1369 Substitution of trailers for boxcars, Revised Service Order No. 1369 is vacated effective 11:59 p.m., June 25, 1979.

(49 U.S.C. (10304-10305 and 11121-11126))

A copy of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of

the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

H. G. Homme, Jr.,
Secretary.

[FR Doc. 79-20247 Filed 6-28-79; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 672

Gulf of Alaska Groundfish; Correction

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Final rule (Errata).

SUMMARY: These amendments are corrections to the regulations governing foreign and domestic fishing for groundfish in the Gulf of Alaska. The amendment excludes fish of the genus *Coryphaenoides* from the "other species" category of fish.

EFFECTIVE DATE: These corrections are effective June 27, 1979.

FOR FURTHER INFORMATION CONTACT: Denton R. Moore, Acting Chief, Permits and Regulations Division, National Marine Fisheries Service, Washington, D.C. 20235, Telephone: (202) 634-7432.

SUPPLEMENTARY INFORMATION: The regulations implementing the Alaska groundfish fishery management plan (see 43 FR 52709 for vessels of the United States; 43 FR 59321 for foreign vessels) include fish of the genus *Coryphaenoides* (rattails) in the specifications of optimum yield (OY) and total allowable level of foreign fishing (TALFF) for the "other species" category of fish (see 50 CFR 611.92(b), Table I and 50 CFR 672.20(a), Table I). The National Oceanic and Atmospheric Administration (NOAA) has since discovered that the specifications of OY and TALFF in the plan (see 43 FR 17242) and the record did not include rattails because, since the species is of no commercial value, the magnitude of past harvest of the species was unknown.

This correction deletes from "other species" the fish of the genus *Coryphaenoides* which were mistakenly included in that category by the implementing regulations.

never granted, Part 500 is being removed from the CFR.

3. In § 212.72, the definitions of "Adjusted decontrol base production level," "Decontrolled old crude petroleum" were added on July 29, 1975, at 40 FR 31747. These regulations were issued subject to Congressional review according to the procedures specified under section 4(g)(2) of the Emergency Petroleum Allocation Act of 1973.

Since Congress did not approve this amendment, § 212.72 is amended by removing these definitions.

The headings of the appendices in this Chapter are being editorially amended. The intent of these changes is to—

1. Create a uniform system of designation for appendices in this title;
2. Indicate what the material in the appendix is appended to; and
3. Provide a short, descriptive subject heading for each appendix.

The amended headings read as follows:

Appendix Headings	Old	New
Part 205: Appendix II—Guidelines for the Disposition of Requests for Exceptions from Part 213.	Part 205: Appendix II—Guidelines for the Disposition of Requests for Exceptions from Part 213.	Appendix A to Subpart D of Part 205—Disposition of Requests for Exceptions from Part 213.
Part 208: Appendix—Summary Sheet to Accompany Draft and Final Environmental Impact Statements.	Part 208: Appendix—Summary Sheet to Accompany Draft and Final Environmental Impact Statements.	Appendix A to Part 108—Environmental Impact Statement Summary Sheet.
Part 211: Appendix—Guidelines for the Allocation of Propane and Other NGLs for Gas Utility and Gas Transmission Company Use.	Part 211: Appendix—Guidelines for the Allocation of Propane and Other NGLs for Gas Utility and Gas Transmission Company Use.	Appendix A to Subpart D of Part 211—Allocation Guidelines for Propane and Other Natural Gas Liquid Products for Gas Utility and Transmission Company Use.
Appendix A—Forms and Instructions	Appendix A—Forms and Instructions	Appendix A to Subpart L of Part 211—Reporting Forms and Instructions.
Part 212: Appendix—Schedule of No. 9 of monthly price adjustments effective Dec. 1, 1977.	Part 212: Appendix—Schedule of No. 9 of monthly price adjustments effective Dec. 1, 1977.	Appendix A to Subpart D of Part 212—Monthly Price Adjustments from February 1976 through August 1978.
Part 430: Appendix A1—Uniform test method for measuring the energy consumption of electric refrigerator-freezers.	Part 430: Appendix A1—Uniform test method for measuring the energy consumption of electric refrigerator-freezers.	Appendix A to Subpart B of Part 430—Uniform test method for measuring the energy consumption of electric refrigerator-freezers.
Appendix B—Uniform test method for measuring the energy consumption of freezers.	Appendix B—Uniform test method for measuring the energy consumption of freezers.	Appendix B to Subpart B of Part 430—Uniform test method for measuring the energy consumption of freezers.
Appendix C—Uniform test method for measuring the energy consumption of dishwashers.	Appendix C—Uniform test method for measuring the energy consumption of dishwashers.	Appendix C to Subpart B of Part 430—Uniform test method for measuring the energy consumption of dishwashers.
Appendix D—Uniform test method for measuring the energy consumption of clothes dryers.	Appendix D—Uniform test method for measuring the energy consumption of clothes dryers.	Appendix D to Subpart B of Part 430—Uniform test method for measuring the energy consumption of clothes dryers.
Appendix E—Uniform test method for measuring the energy consumption of water heaters.	Appendix E—Uniform test method for measuring the energy consumption of water heaters.	Appendix E to Subpart B of Part 430—Uniform test method for measuring the energy consumption of water heaters.
Appendix F—Uniform test method for measuring the energy consumption of room air conditioners.	Appendix F—Uniform test method for measuring the energy consumption of room air conditioners.	Appendix F to Subpart B of Part 430—Uniform test method for measuring the energy consumption of room air conditioners.
Appendix G—Uniform method for measuring the energy consumption of unvented home heating equipment.	Appendix G—Uniform method for measuring the energy consumption of unvented home heating equipment.	Appendix G to Subpart B of Part 430—Uniform test method for measuring the energy consumption of unvented home heating equipment.
Appendix H—Uniform test method for measuring the energy consumption of television sets.	Appendix H—Uniform test method for measuring the energy consumption of television sets.	Appendix H to Subpart B of Part 430—Uniform test method for measuring the energy consumption of television sets.
Appendix I—Uniform test method for measuring the energy consumption of conventional ranges, conventional cooking tops, conventional ovens, microwave ovens and microwave/conventional ranges.	Appendix I—Uniform test method for measuring the energy consumption of conventional ranges, conventional cooking tops, conventional ovens, microwave ovens and microwave/conventional ranges.	Appendix I to Subpart B of Part 430—Uniform test method for measuring the energy consumption of conventional ranges, conventional cooking tops, conventional ovens, microwave ovens and microwave/conventional ranges.

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Ch. II

Editorial Amendments

Editorial Note: The Office of the Federal Register (OFR) is preparing the 1979 Revision to the *Code of Federal Regulations* (CFR) volume containing Title 10, Parts 200—End. Our staff has been working closely with DOE to solve significant problems in editing and codifying these regulations.

As a result, OFR has extended the revision date of this volume to May 31, 1979. The OFR, as authorized by 44 U.S.C. 1506 and 1 CFR 8.1 and 8.2, is also making the following changes in 10 CFR Parts 200—End. These editorial changes are necessary to assure the orderly development of the CFR.

Removed Material

1. The following special rules have been deleted from the 1979 revision of the CFR because internal provisions indicate that they have expired.

Special rule No.	Placement in 10 CFR 200—End revision	Period of time covered by special rule
2	211, Sub. A, P. 158	For the month of July 1976.
3	211, Sub. A, P. 158	For the months of August 1976 through Mar. 31, 1977.
5	211, Sub. A, P. 160	Through Mar. 31, 1977; and through Mar. 31, 1978.
6	211, Sub. A, 44 FR 3469; Jan. 17, 1979	Through Mar. 31, 1979.
1	211, Sub. C, P. 191	Commencing Feb. 1, 1974; and month of May 1974.
2	211, Sub. C, P. 192	Quarter commencing Sept. 1, 1974.
3	211, Sub. C, P. 193	Months of Nov. and Dec. 1974, and Jan. and Feb. 1975.
5	211, Sub. C, P. 195	Quarter commencing Sept. 1, 1975 . . . is not extended beyond Nov. 15, 1975.
8	211, Sub. C, P. 196	For the months of Feb. and Mar. 1977.
9	211, Sub. C, P. 196	Quarter . . . commencing June 1, 1977, and—special allocation . . . for month of Sept. 1977; also allocation period commencing Oct. 1, 1977.
1	211, Sub. D, P. 201	Remain in effect thru Mar. 31, 1977.
2	211, Sub. D, P. 203	Remain in effect thru Mar. 31, 1977.
1	212, Sub. F, P. 307	For the months Jan. thru Mar. 1977.

of Congress in accordance with the procedures specified in section 552 of the Energy Policy and Conservation Act (Pub. L. 94-163).

Since Congressional approval was

Signed in Washington, D.C., this 25th day of June, 1979.

Winfred H. Meibohm,
Executive Director, National Marine Fisheries Service.
(16 U.S.C. 1801 et seq.)

PART 611—FOREIGN FISHING

§ 611.92 [Amended]

(A) 50 CFR 611.92(b), Table I, footnote 5, is amended by adding the phrase "fish of the genus *Coryphaenoides*," between the words "herring," and "and".

PART 672—GROUND FISH OF THE GULF OF ALASKA

§ 672.20 [Amended]

(B) 50 CFR 672.20(a)(1), Table I, footnote, is amended by deleting "and" before "Pacific halibut" and by adding the phrase "and fish of the genus *Coryphaenoides*" to the end of the footnote after the words "Pacific halibut".

(FR Doc. 79-20143 Filed 6-28-79; 8:45 am)

BILLING CODE 3510-22-M

2. Part 500, entitled "Mandatory Gasoline and Diesel Fuel Rationing Regulations," was established on January 26, 1977, at 42 FR 4819. These regulations were issued subject to the approval by a resolution by each House

II. The text of the standby regulations are carried in an Appendix A to the Part where they appear. For example, Appendix A to Part 211 contains Standby Regulations 211-1 and 211-2. The full text of any document affecting a standby regulation will be carried with that regulation.

III. A series of bridges or finding aids have been developed to connect the current text of the CFR to the provisions of the Standby Regulation that potentially amends the CFR. These devices—

1. Make the user aware of the existence of alternative text;
2. Connect the CFR section to the standby regulation potentially affecting it; and
3. Indicate activated provisions of any activated standby regulation.

These finding aids include—

1. A two-part table to 10 CFR Ch II indicating published standby regulations; and
2. A note to any potentially affected CFR Section indicating the standby regulation potentially affecting it.

The tables would appear as follows:

DOE/ERA Standby Regulations

Table 1

Standby regulation	Subject	FR
210-1	Standby product price and allocation regs.	44 FR 3936, Jan. 18, 1979
211-1	Standby mandatory crude oil allocation and refinery yield control programs	44 FR 3423, Jan. 16, 1979
211-2	Standby product allocation regs.	44 FR 3936, Jan. 18, 1979
212-1	Mandatory allocated crude oil pricing rule	44 FR 3427, Jan. 16, 1979
212-2	Standby product price regs.	44 FR 3942, Jan. 18, 1979

Table 2

Section affected		Standby regulation	210-35	210-1	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2	211-2
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Table 2—Continued

Section affected	Standby regulation
211.166.....	211.-2
211.167.....	211.-2
211.182.....	211.-2
211.183.....	211.-2
211.185.....	211.-2
211.186.....	211.-2
211.202.....	211.-2
211.203.....	211.-2
212.56.....	212.-2
212.57.....	212.-2
212.94.....	212.-1

The notes to each section that could be affected by a standby regulation read as follows.

§ 211.2 Relationship of subparts.

Unless otherwise specified in Subparts D through K of this part, the general provisions set forth in this subpart apply to the mandatory allocation of all allocated products.

Note.—The provisions of this section may be affected by Standby Regulation 211-2. Standby Regulation 211-2 appears in Appendix A to Part 211. For the convenience of the user, a table listing all Standby Regulations and sections affected appears at the end of this Chapter.

Special Rules

There are four Special Rules in 10 CFR Chapter II which are not standby regulations and which are still in effect. They are—

1. Special Rule No. 7 to Part 211, Subpart A—44 FR 18643; March 29, 1979.
2. Special Rule No. 8 to Part 211, Subpart A—44 FR 24542; April 26, 1979.
3. Special Rule No. 9 to Part 211, Subpart A—44 FR 28616; May 15, 1979.
4. Special Rule No. 2 to Part 212, Subpart F—44 FR 9375; February 13, 1979.

These Special Rules amend or supplement codified regulations. They are normally issued on an emergency basis and effective for a short period of time. The text of any Special Rule currently in effect is carried as Appendix A to the Subpart where they appear.

BILLING CODE 6450-01-M

10 CFR Part 211

[Docket No. ERA-R-78-18]

Mandatory Petroleum Allocation Regulations; Amendments to Remove 21 Cent Per Barrel Entitlement Penalty on Uncontrolled Crude Oil

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Final Rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is adopting a rule which amends the domestic crude oil allocation (entitlements) program to eliminate the current 21 cent per barrel entitlement penalty on uncontrolled (exempt domestic and imported) crude oil. We have determined that the 21 cent penalty is imposing hardships on certain refiners and is counterproductive to DOE's efforts to alleviate the impacts of current crude oil prices and crude oil shortages.

DATES: Effective for crude oil receipts beginning August 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Norman Breckner (Office of Regulations and Emergency Planning), Economic Regulatory Administration, Room 2304, 2000 M Street, N.W., Washington, D.C. 20461, (202) 254-7477.

Douglas McIver (Entitlements Program Office), Economic Regulatory Administration, Room 6128I, 2000 M Street, N.W., Washington, D.C. 20461, (202) 254-8660.

Kristina Clark (Office of General Counsel), Department of Energy, 1000 Independence Avenue, S.W., Room 6A-127, Washington, D.C. 20585, (202) 252-6744.

William Webb (Office of Public Information), Department of Energy, 2000 M Street, N.W., Washington, D.C. 20461, (202) 634-2170.

SUPPLEMENTAL INFORMATION:

- I. Background
- II. Discussion of comments
- III. Amendments adopted
- IV. Other matters

I. Background

In its March 29, 1976 amendments to the entitlements program (41 FR 13899, April 1, 1976), the Federal Energy Administration (FEA) adopted a fixed advantage or bias under the program for refiners' receipts of lower and upper tier domestic crude oils as compared with receipts of imported or uncontrolled domestic crude oil. This adjustment was implemented by fixing the entitlement price at an amount 21 cents less than the exact differential between the weighted average cost of refiners' receipts of imported and exempt domestic crude oils, on the one hand, and those of lower tier crude oil, on the other. FEA's stated rationale for adopting this provision was "that a fixed advantage of 21 cents per barrel for all domestic crude oil production over receipts of imported crude oil is appropriate, in that the import program identifies this amount as being necessary to preserve incentives for refining domestic crude oil." (41 FR 13899 at 13901).

On November 2, 1978, in a notice of proposed rulemaking regarding production incentives for marginal properties, we noted that "this fixed

advantage for refiners' receipts of domestic crude oil may not be serving the purpose for which it was intended, and may be imposing an inappropriate burden on those refiners that are dependent on imported crude oil." (43 FR 52186; November 8, 1978). Citing the special entitlements adjustments for heavy California crude oil, and noting that even without the 21 cent penalty the average cost of imported crude oil exceeds that of uncontrolled domestic and Alaska North Slope (ANS) crude oils also used in calculating the entitlement price, we tentatively concluded that the 21 cent penalty should be eliminated. On April 5, 1979, we adopted a final rule with respect to production incentives for marginal properties, but deferred consideration of our proposal to eliminate the 21 cent penalty and extended the comment period until June 15, 1979. (44 FR 22010, April 12, 1979).

II. Discussion of comments

Following publication of the final rule for production incentives for marginal properties on April 12, 1979, only one additional comment was received on our proposal to eliminate the 21 cent per barrel entitlement penalty for imported crude oil. We received over 30 comments on this issue during the original comment period. Generally, refiners favored the proposal while producers opposed it.

Comments in favor of eliminating the penalty expressed the view that the penalty was unnecessary as a means to create an incentive for refiners to purchase and refine domestic crude oil. Many refiners argued that domestic crude oil does not need the 21 cent advantage because of its lower price and more dependable supply. Small and independent refiners which lacked adequate domestic supplies argued that they were especially disadvantaged by the 21 cent penalty. Producers and some refiners with significant domestic production were opposed to eliminating the 21 cent penalty, believing that its elimination would raise the entitlement cost for lower tier and upper tier crude oil and, hence, neutralize the impact of the incentives we had at that time proposed to adopt regarding marginal properties.

III. Amendments adopted

Based on the comments received and our analysis of the issue, we affirm our tentative conclusion expressed in the November 2 notice, and we have determined to eliminate the 21 cent entitlement penalty for imported and exempt domestic crude oils. We further

believe that this action is consistent with the President's temporary suspension of license fees and tariffs on oil imports, which is based on the determination that such fees and tariffs are unnecessary and burdensome to the American public during a period in which shortages of crude oil persist. (Proclamation 4655 of April 6, 1979, 44 FR 21243, April 10, 1979). (Subsequently, on June 12, 1979, the Secretary of Energy extended the suspension of license fees and tariffs on oil imports for the period July, 1979 through December 31, 1979. (44 FR 36096, June 20, 1979). The amendments will become effective beginning with August 1, 1979 crude oil receipts.

Removal of the 21 cent entitlement penalty is accomplished by amending § 211.67(i)(4) to provide that the entitlement price is equal to the exact differential, for the month concerned, between the weighted average cost to refiners of lower tier crude oil and such weighted average cost of imported crude oil, ANS crude oil, stripper well crude oil, incremental tertiary crude oil, and other exempt domestic crude oils. In addition, reference to the 21 cent per barrel adjustment, found in § 211.67(b)(2) (relating to the calculation of the entitlement obligation for upper tier crude oil) is deleted. We are also making a technical correction to § 211.67(b)(2), by reinserting the reference to ANS crude oil in the numerator to the "deemed old oil ratio." This clause was inadvertently removed in the adoption of the final rule providing additional price incentives for tertiary enhanced recovery techniques (43 FR 33679; August 1, 1978).

IV. Other matters

In adopting this rule, we have considered, in accordance with DOE Order 2030, the economic impact of our action, and we completed a regulatory analysis on this issue as part of the regulatory analysis that was prepared for the final rule adopting production incentives for marginal properties. Copies of the regulatory analysis may be obtained from the ERA, Office of Public Information, 2000 M Street, N.W., Room B-110, Washington, D.C. 20461. (202) 634-2170.

In accordance with the requirements of the National Environmental Policy Act of 1969 (NEPA, 42 U.S.C. 4321 *et seq.*), DOE has determined that this final rule does not constitute a "major Federal action significantly affecting the quality of the human environment" within the meaning of NEPA and therefore an environmental assessment or an environmental impact statement is

not required by NEPA and the applicable DOE regulations for compliance with NEPA.

In accordance with Section 404 of the Department of Energy Organization Act (DOE Act) (42 U.S.C. 7101 *et seq.*), the Federal Energy Regulatory Commission received a copy of the proposed rule and has notified the ERA that it has not determined that the proposed regulations would significantly affect any function within its jurisdiction under sections 402(a)(1), (b) and (c)(1) of the DOE Act.

(Emergency Petroleum Allocation Act 1973, 15 U.S.C. 751 *et seq.*, Pub. L. 93-159, as amended, Pub. L. 93-51, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, 15 U.S.C. 787 *et seq.*, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 95-91; Energy Policy and Conservation Act, 42 U.S.C. 6201 *et seq.*, Pub. L. 94-163, as amended, Pub. L. 94-385, and Pub. L. 95-70; Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*, Pub. L. 95-91; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, Part 211 of Chapter II of Title 10 of the Code of Federal Regulations is amended as set forth below, effective August 1, 1979.

Issued in Washington, D.C., June 27, 1979.

David J. Bardin,

Administrator, Economic Regulatory Administration.

1. Section 211.67 is amended in paragraphs (b)(2) and (i)(4) to read as follows:

§ 211.67 Allocation of domestic crude oil.

(b) *Required purchase of entitlements by refiners.*

(2) To calculate the number of barrels of deemed old oil included in a refiner's adjusted crude oil receipts for purposes of the definition of national domestic crude oil supply ratio in § 211.62 of this subpart, paragraph (b)(1) of this section and paragraph (c) of this section, each barrel of old oil shall be equal to one barrel of deemed old oil and each barrel of upper tier crude oil shall constitute that fraction of a barrel of deemed old oil the numerator of which is equal to the reported weighted average cost per barrel to refiners of imported crude oil, ANS crude oil, stripper well crude oil (as defined in Part 212 of this chapter), incremental tertiary crude oil (as determined pursuant to § 212.78), and other domestic crude oils the first sale of which is exempt from the provisions of Part 212 of this chapter for that month, less such weighted average cost per barrel to refiners of upper tier crude oil,

and the denominator of which is the entitlement price for that month.

(i) *Issuance and transfer of entitlements.*

(4) The price at which entitlements shall be sold and purchased shall be fixed by the ERA for each month and shall be the exact differential between the weighted average cost per barrel to refiners of old oil and such weighted average cost of imported crude oil, ANS crude oil, stripper well crude oil (as defined in Part 212 of this chapter), incremental tertiary crude oil (as determined pursuant to § 212.78), and other domestic crude oils the first sale of which is exempt from the provisions of Part 212 of this chapter, such costs to be equivalent to the delivered costs to the refinery.

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